



May 31, 2023

Hon. Vera M. Scanlon, U.S.M.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East, 1214 South
Brooklyn, New York 11201

By Electronic Filing.

Re: Payamps v. City of New York, 22-cv-00563

Dear Judge Scanlon:

We are co-counsel for Plaintiff in this matter. We write in opposition to Defendants' May 26, 2023 letter at ECF No. 58 stating that they would make the CCRB and IAB files ("the files") available to us at their office at 100 Church Street in response to the Court's Order at ECF No. 53, and stating that they could not provide copies of the files until June 9, 2023 – after the statutes of limitations arguably expires. We respectfully request that the Court issue an Order directing the Defendants to provide the files on a hard drive or thumb drive, on an attorney's eyes-only basis if necessary, immediately. We have conferred with defense counsel Michael Pesin regarding our request. We have offered to have a representative from our office take a thumb drive to 100 Church Street this morning to obtain the files for our review in advance of the statute of limitations expiration. Following our review of the files in advance of the statute of limitation expiration, we can destroy or return the thumb drive to 100 Church Street. We have provided Mr. Pesin with a copy of the attached transcript from a hearing in front of Judge Gorenstein regarding this same issue in *In Re New York City Policing During Summer 2020 Demonstrations*, 20 CV 8924 (CM)(GWG) (Transcript at p. 7). While Judge Gorenstein rejected the City's arguments that it would be burdensome for them to produce the files just as we are requesting here, we note that Mr. Pesin has not even claimed the requested production of the files would be burdensome here. Instead, he has refused to produce the files claiming that Your Honor directed the City to produce the files at 100 Church Street, which Your Honor did not.

Mr. Pesin has refused to provide the files as we requested in advance of the statute of limitations expiration despite his acknowledgment that the files are electronic. He has cited no excuse for his refusal to temporarily provide the files to us immediately on a thumb drive or hard drive, but is further intentionally impeding Plaintiff's ability to ensure he identifies the Doe Defendants in advance of the June 4th statute of limitations.

As such, Plaintiff respectfully requests that the Court issue an Order directing Mr. Pesin to immediately provide the files on a thumb drive or hard drive so that we can work to identify any Doe Defendants.



We thank the Court for its time.

Respectfully submitted,

/s/

Jessica Massimi

Pronouns: She/Her

Remy Green

Pronouns/Honorific: they, them / Mx.

COHEN&GREEN P.L.L.C.

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cc:

All relevant parties by ECF.